

**FINAL DETERMINATION**

DATE ISSUED AND MAILED: August 5, 2022

IN RE: *Bethany Hoover v. Schuylkill Valley School District*, OOR Dkt. AP 2022-1811

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DISMISSED** because:

**The appeal is premature.** The Request was submitted to the Schuylkill Valley School District (“District”) Open Records Officer on July 20, 2021. The District timely invoked a thirty-day extension of time to respond on July 21, 2022. 65 P.S. § 67.902(b)(1). The extension was invoked for a permissible reason, 65 P.S. § 67.902(a)(4), and the OOR will not disturb the District’s discretion in invoking the extension. Under the extension, the District has five (5) business days, followed by thirty (30) calendar days, from July 20, 2022 to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the District has until August 26, 2022 to respond to the Request. The appeal was received by the OOR on August 3, 2022. The Requester is not prohibited from filing a new appeal to the OOR of any denial or deemed denial stemming from the Request, pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the District is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Berks County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.<sup>1</sup>

Issued by:

/s/ Kyle Applegate

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Appeals Officer  
Kyle Applegate, Esq.

Sent to: Requester (via email), Agency Open Records Officer (via email)

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<sup>1</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).